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TRANSMITTAL		Applica	ation Number	10/611,838		
			Date	June 30, 2003		
FORM		First Named Inventor		SCHAER, ALAN		
(to be used for all correspondence after initial filing)		Art Unit		Unassigned		
		Examiner Name		Unassigned		
Total Number of Pages in This Submission			ey Docket Number	021574-000220US		
ENCLOSURES (Check all that apply)						
Fee Transmittal Form	☐ Drawin	g(s)		After Allowance Communication to Group		
Fee Attached Licensi		ing-related Papers		Appeal Communication to Board of Appeals and Interferences		
Amendment/Reply	Petition	n		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)		
After Final	_	n to Conv onal App		Proprietary Information		
Affidavits/declaration(s)			ey, Revocation espondence Address	Status Letter		
Extension of Time Request		Terminal Disclaimer		Other Enclosure(s) (please identify below):		
		equest for Refund		Return Postcard		
Express Abandonment Request		CD, Number of CD(s)		10 Reference Copies		
Information Disclosure Statement						
Certified Copy of Priority Document(s)		ırks	The Commissioner is a Account 20-1430.	authorized to charge any additional fees to Deposit		
Response to Missing Parts/ Incomplete Application			1			
Response to Missing Parts under 37 CFR 1.52 or 1.53						
SIG	NATURE C	F APPL	ICANT, ATTORNEY,	OR AGENT		
Firm Townsend and Townsend and Crew LLP						
or James M. Heslin Reg. No. 29,541						
Signature						
Date September 4, 2003						
CERTIFICATE OF TRANSMISSION/MAILING						
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.						
Typed or printed name Edward Mas	nas					
Signature	ward	1 St	lamas	Date September <u>\$\frac{\fin}}}}{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac}{\fint}}}}}{\frac}}}}}}{\frac}}}}}}{\fracc}}}}{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\fri</u>		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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on 09-08-03

SEP 1 0 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Edward Manuas

Edward Masinas

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**ALAN SCHAER** 

Application No.: 10/611,838

Filed: June 30, 2003

For: METHOD AND APPARATUS EMPLOYING ULTRASOUND ENERGY TO TREAT BODY

**SPHINCTERS** 

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE

STATEMENT UNDER 37 CFR §1.97 and

§1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

**ALAN SCHAER** 

Application No.: 10/611,838

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representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that <u>no fee is required</u> for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

James M. Heslin Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8<sup>th</sup> Floor San Francisco, California 94111-3834 Tel: 650-326-2400

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PTO/SB/08A (04-03)
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021574-000220US

k Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Substitute for form 1449/PTO Complete if Kn wn **Application Number** 10/611,838 INFORMATION DISCLOSURE Filing Date June 30, 2003 STATEMENT BY APPLICANT **First Named Inventor** SCHAER, ALAN Art Unit Unassigned (use as many sheets as necessary) **Examiner Name** Unassigned

Attorney Docket Number

U.S. PATENT DOCUMENTS						
Examiner	Cite No.1	Document Number  Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	1	5,620,479	04-15-1997	Diederich		
	2	6,012,457	01-11-2000	Lesh		
	3	6,024,740	02-15-2000	Lesh et al.		
	4	6,056,744	05-02-2000	Edwards	-	
	5	6,073,052	06-06-2000	Zelickson et al.		
	6	6,112,123	08-29-2000	Kelleher et al.		
	7	6,238,335	05-29-2001	Silverman et al.		
	8	6,321,121	11-20-2001	Zelickson et al.		
	-					
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FOREIGN PATENT DOCUMENTS								
Examiner	Cite	Foreign Patent Document				Name of Patentee or	Pages, Columns, Lines,	
Initials*	No.1	Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Applicant of Cited  Document	Where Relevant Passages or Relevant Figures Appear	T⁵
	9	wo	01/80723		11-01-2001			

Examiner Signature	Date Considered	
Signature	Considered	

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Substitute for form 1449/PTO C mplete if Known **Application Number** 10/611,838 INFORMATION DISCLOSURE **Filing Date** June 30, 2003 STATEMENT BY APPLICANT **First Named Inventor** SCHAER, ALAN Art Unit Unassigned (use as many sheets as necessary) **Examiner Name** Unassigned

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of Attorney Docket Number 021574-000220US Page

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²			
	10	Swain, et al, [Abstract], Gastrointestinal Endoscopy, 1994; 40:AB35				

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